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10/044,316	01/11/2002	Marc R. Houyoux	271889US20	6776

			EXAMINER
22850	7590	06/09/2006	JARRETT, SCOTT L

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

ART UNIT	PAPER NUMBER
3623	

DATE MAILED: 06/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>*11 January 2002*</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-62* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-62* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *11 January 2002* is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Abstract

1.   Applicant is reminded of the proper language and format for an abstract of the
disclosure.

The abstract should be in narrative form and generally limited to a single
paragraph on a separate sheet within the range of 50 to 150 words. It is important that
the abstract not exceed 150 words in length since the space provided for the abstract
on the computer tape used by the printer is limited. The form and legal phraseology
often used in patent claims, such as "means" and "said," should be avoided. The
abstract should describe the disclosure sufficiently to assist readers in deciding whether
there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information
given in the title. It should avoid using phrases which can be implied, such as, "The
disclosure concerns," "The disclosure defined by this invention," "The disclosure
describes," etc.

The abstract of the disclosure is objected to because it is longer than 150 words.

Correction is required. See MPEP § 608.01(b).

Title

2.   The title of the invention is not descriptive. A new title is required that is clearly

indicative of the invention to which the claims are directed.

The following title is suggested: System and Method for Generating a Cost Quote

for External Data Analysis.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1-8, 14-18, 24-30, 36-42 and 48-57 are rejected under 35 U.S.C. 103(a)

as being unpatentable over Beckert, Beverly, Engineering Analysis at your service

(2001) in view of Cooperstone et al., U.S. Patent Publication No. 2002/0022982.

        Regarding Claims 1-2, 4, 14, 24-25, 36-37, 40 and 49 Beckert a system and

method for providing outsourced complex model data analysis via a services-based

business model commonly referred to as Application Service Providers (ASPs) wherein

these businesses provide a plurality of remotely accessible outsourced (external)

services, for a fee (subscription, pay per use, computer time, CPU per hour, pay-as-

you-go, etc.; Columns 2-3, Page 31; Figures 2-3).

        Beckert teaches a system and method for providing outsourced complex data

model analysis comprising:

        - prompting the user, at a remote computer (terminal, browser, Internet, Web,

etc.), to select an input data and an analysis parameter for analysis of the data

according to a complex model (Column 3, Paragraphs 1-3, Page 32; Figure 2; Figure 3,

Steps 1-2);

- determining a result by executing the data analysis according to the complex

model for the selected input and analysis parameter (Column 2, Page 31; Figure 2;

Figure 3, Step 3);

- providing (directing, notifying, displaying, sending, etc.) the result of the

analysis (Figure 2; Figure 3, Step 4);

- and a billing (bill, invoice, fee, charge, etc.) corresponding to the data analysis

executed (Column 1, Paragraphs 4-5, Page 32; Column 2, Page 32).

Beckert further teaches that customers (users, clients, businesses, etc.) derive

several benefits from outsourcing services such as analysis wherein the benefits access

to resources (hardware, software, etc.) typically out of reach/unavailable to most

business due to cost, scale, expertise or other obstacles (e.g. large computer farms,

supercomputers, costly software/hardware, etc.), the ability to quickly "ramping up" on

an analysis job or quick turn-around on a project as well trying products/services before

buying them (Column 1, Paragraph 2, Page 32; Column 1, Last Paragraph, Page 33;

Column 2, Last Two Paragraphs, Page 33; Column 3, Paragraphs 1-2, Page 33).
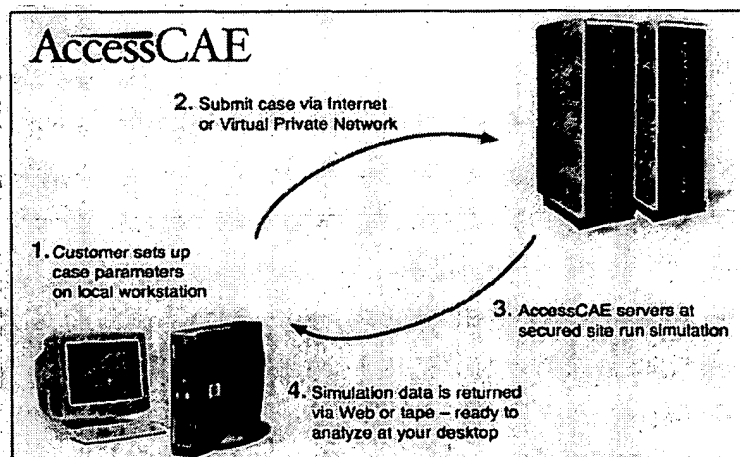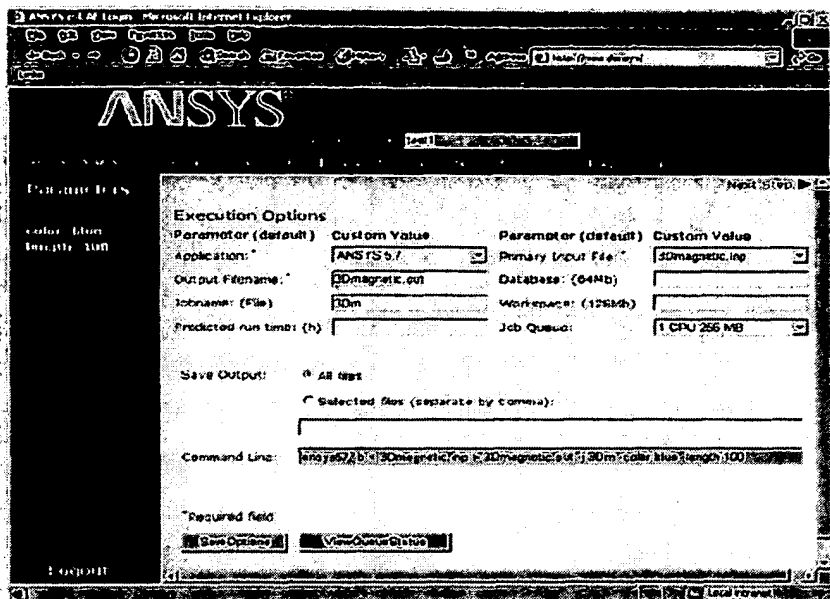
Easy to use. AccessCAE from Exa Corp. enables customers to perform CFD pre- and postprocessing at their desks. The actual analysis takes place on high-powered servers.

While providing cost quotes (estimates, pricing, etc.) to customers of a service/product prior to the rendering/purchasing of the product or service and subsequently billing (invoicing, charging, etc.) the customer for the services/products rendered is a very well-known and is nearly universally practiced in business and while Beckert teaches performing remote complex data analysis for a fee via a services-

based business model wherein the service provider charges/bills customers for services

rendered Beckert is silent on the specific steps used to generate cost quotes (estimates,

pricing, request for quote, contracts, etc.) for the data analysis and/or other services

provided.

Cooperstone et al. teach providing a cost quote services provided via one or

more services-based businesses (Application Service Providers) based one or more

rules and/or service/product and customer information (Paragraphs 0026, 0073-0074) in

an analogous art of providing remote for-fee services to customers (Paragraphs 0005-

0007) for the purposes of enabling users (customers, business) to receive a list of

services/packages that best meet the business' needs wherein the list includes a cost

quote for requested/desired services (Paragraphs 0018, 0024-0027, 0072-0077).

More specifically Cooperstone et al. teach a method and system for providing a

cost quote (estimate, price, proposal, pricing package, etc.) for providing one or more

services comprises:

- prompting the user, at a remote computer (terminal, browser, etc.), to provide

input data regarding the services requested (Paragraph 0025);

- calculating a custom cost (price, quote, estimate, package price, etc.) for

execution of the requested services via an automated cost calculator (function, module,

subsystem, code, program, routine, etc.; Paragraphs 0018, 0026, 0072-0077; Figure 3,

Element 59H; Figure 4, Element 75; Figure 9);

- presenting the cost quote to a user wherein the user may receive a revised

cost quote by modifying the input data and resubmitting the modified information

(Paragraphs 0027, 0081); and

- providing (directing, notifying, displaying, sending, etc.) the agreed upon

(subscribed, contracted, selected, etc.) services and a billing (bill, invoice, fee, charge,

etc.) corresponding to the cost quote (Paragraph 0023; Figure 3, Element 59C).

It would have been obvious to one skilled in the art at the time of the invention

that the system and method for providing complex data analysis via a services-based

business model as taught by Beckert would have benefited from the well known practice

of providing users with cost quotes in view of the teachings of Cooperstone et al.; the

resultant system and method enabling customers to receive a list of services/packages

that best meet the business' needs wherein the list includes a cost quote for

requested/desired services (Cooperstone et al.: Paragraphs 0018, 0024-0027, 0072-

0077).

Regarding Claims 5, 15, 26, 38 and 50 Beckert teaches a system and method for

providing, for a fee, complex data analysis further comprising establishing a user

account (logon, name/password, secure access, security levels, etc.; Paragraph 1,

Column 3, Page 32; Column 1, Page 33).

Beckert does not expressly teach providing a cost quote, as discussed above, or subsequently establishing a user account *prior* to providing a cost quote as claimed.

Cooperstone et al. teach establishing a user account (subscriber; Paragraphs prior to prompting the user to enter input data related to the generation of a cost quote for the requested remote services in an analogous art of providing outsourced services for the purposes of providing secure access to the custom quotes and/or to enable authorized users to make changes to their account, custom cost quotes and/or subscribed services (Paragraphs 0028).

It would have been obvious to one skilled in the art at the time of the invention that the system and method for providing complex data analysis via a services-based business model as taught by Beckert would have benefited from providing a custom cost quote wherein the system/method establishes a user account and prompts the user to enter data corresponding to the user and/or requested services prior to generating the custom cost quote in view of the teachings of Cooperstone et al.; the resultant system and method enabling customers to receive a custom list of services/packages that best meet the business' needs wherein the list includes a cost quote for requested/desired services (Cooperstone et al.: Paragraphs 0018, 0024-0027, 0072-0077) as well as provide secure access to the custom quotes and/or to enable authorized users to make changes to their account custom cost quotes and/or subscribed services (Cooperstone et al.: Paragraphs 0028).

Regarding Claims 6, 18, 30, 42 and 57 Beckert teaches a system and method for

performing remote complex model data analysis further comprising retrieving

(uploading, sending, providing, etc.) the selected data and analysis parameter prior to

executing the data analysis (Column 3, Page 32; Column 2, Paragraph 1, Page 33;

Figure 3).

Becket further teaches that the complex data analysis system and method further

comprises file storage, server farms as well as utilizes known Internet and client/server

architectures (Column 2, Paragraph 1, Page 32; Column 3, Paragraph 2; Page 33;

Figure 3).

While Beckert teaches that the input data, analysis results and the like are stored

in memory and/or file storage devices Beckert does not expressly teach that the user

data is from a *database* as claimed.

Cooperstone et al. teaches storing a plurality of data in several databases

including but not limited to storing user, user/account, input and cost quote data in a

database (Paragraphs 0160-0162; Figure 2, Element 42; Figure 3, Elements 51, 59A-

59L, 60; Figure 8, Element 806) in an analogous art of providing outsourced services for

the purposes of providing access to centrally stored/located data (Paragraph 0161)

and/or automatically triggering business rules/processes upon updates to data stored in

the database (Paragraph 0160).

It would have been obvious to one skilled in the art at the time of the invention

that the system and method for performing complex data analysis as taught by Beckert

would have benefited from storing modified data in a database in view of the teachings

of Cooperstone et al.; the resultant system/method providing access to centrally

stored/located data (Cooperstone et al.: Paragraph 0161) and/or automatically

triggering business rules/processes upon updates to data stored in the database

(Cooperstone et al.: Paragraph 0160).

Regarding Claim 7 Beckert teaches a system and method for performing remote

complex model data analysis via a services-based business model further comprising

saving (file storage, memory, tape, etc.; Column 2, Paragraph 1, Page 32; Column 2,

Paragraph 2, Page 32) at least one of the analysis result and billing (invoice, charge,

bill, etc.) after executing the data analysis (Column 1, Paragraphs 4-5, Page 32; Column

2, Page 32; Figure 4, Step 4).

While Beckert teaches that the input data, analysis results and the like are stored

in memory and/or file storage devices Beckert does not expressly teach storing the

results of the analysis in a *database* as claimed.

Cooperstone et al. teaches storing a plurality of data in several databases

including but not limited to storing user, user/account, input and cost quote data in a

database (Paragraphs –0160-0162; Figure 2, Element 42; Figure 3, Elements 51, 59A-

L, 60; Figure 8, Element 806) in an analogous art of providing outsourced services for

the purposes of providing access to centrally stored/located data (Paragraph 0161)

and/or automatically triggering business rules/processes upon updates to data stored in

the database (Paragraph 0160).

It would have been obvious to one skilled in the art at the time of the invention

that the system and method for performing complex data analysis as taught by Beckert

would have benefited from storing the results of the analysis in a *database* in view of the

teachings of Cooperstone et al.; the resultant system/method providing access to

centrally stored/located data (Cooperstone et al.: Paragraph 0161) and/or automatically

triggering business rules/processes upon updates to data stored in the database

(Cooperstone et al.: Paragraph 0160).

Regarding Claims 8, 16, 27, 39, 51 and 54 Beckert teaches a system and

method for performing remote complex model data analysis for a fee further comprising

saving at least one of the selected input data, selected analysis parameter, analysis

results and the billing, as discussed above (i.e. stores/manages data associated with

the user and the complex model).

While Beckert teaches that the input data, analysis results and the like are stored

in memory and/or file storage devices Beckert does not expressly teach storing at least

one of the selected input data, selected analysis parameter, analysis results and the

billing in a *database* according to the user's account as claimed.

Cooperstone et al. teaches storing a plurality of data in several databases

including but not limited to storing user, user/account, input and cost quote data in a

database (Paragraphs –0160-0162; Figure 2, Element 42; Figure 3, Elements 51, 59A-

L, 60; Figure 8, Element 806) in an analogous art of providing outsourced services for

the purposes of providing access to centrally stored/located data (Paragraph 0161)

and/or automatically triggering business rules/processes upon updates to data stored in

the database (Paragraph 0160).

It would have been obvious to one skilled in the art at the time of the invention

that the system and method for performing complex data analysis as taught by Beckert

would have benefited from storing at least one of the selected input data, selected

analysis parameter, analysis results and the billing in a *database* according to the user's

account in view of the teachings of Cooperstone et al.; the resultant system/method

providing access to centrally stored/located data (Cooperstone et al.: Paragraph 0161)

and/or automatically triggering business rules/processes upon updates to data stored in

the database (Cooperstone et al.: Paragraph 0160).

Regarding Claims 36, 48 and 55 Beckert teaches a system and method for

performing remote complex model data analysis via a services-based business model

further comprising directing the analysis results and corresponding billing to the user at

a remote terminal (Column 1, Paragraphs 4-5, Page 32; Column 2, Page 32; Figure 3).

Regarding Claim 52 Beckert teaches a system and method for performing

remote complex model data analysis further comprising modifying the data in the

system upon the completion data analysis (e.g. rerun the results; Column 2, Paragraph

1, Page 31).

While Beckert teaches that the input data, analysis results and the like are stored

in memory and/or file storage devices Beckert does not expressly teach storing the

results are stored in a *database*.

Cooperstone et al. teaches storing a plurality of data in several databases

including but not limited to storing user, user/account, input and cost quote data in a

database (Paragraphs –0160-0162; Figure 2, Element 42; Figure 3, Elements 51, 59A-

L, 60; Figure 8, Element 806) in an analogous art of providing outsourced services for

the purposes of providing access to centrally stored/located data (Paragraph 0161)

and/or automatically triggering business rules/processes upon updates to data stored in

the database (Paragraph 0160).

It would have been obvious to one skilled in the art at the time of the invention

that the system and method for performing complex data analysis as taught by Beckert

would have benefited from storing the results are stored in a database in view of the

teachings of Cooperstone et al.; the resultant system/method providing access to

centrally stored/located data (Cooperstone et al.: Paragraph 0161) and/or automatically

triggering business rules/processes upon updates to data stored in the database

(Cooperstone et al.: Paragraph 0160).

Regarding Claim 53 Beckert teaches a system and method for performing

remote complex model data analysis further comprising executing the model according

to the user account (profile, information, data, etc.; Columns 2-3, Page 32; Figure 3).

Regarding Claim 56 Beckert does not expressly teach providing users with a cost

quote, as discussed above, or subsequently enabling users to receive a revised cost

quote as claimed.

Cooperstone et al. enabling the user to modify the input data and analysis

parameter and to resubmit the modified data in order to receive a revised cost quote

(Paragraphs 0027, 0081) in an analogous art of providing outsourced services for the

purposes of enabling users to add, delete or otherwise modify cost quotes and

subsequently receive updated cost quotes that reflect the user changes/modifications

(Paragraph 0027-0028).

It would have been obvious to one skilled in the art at the time of the invention that the system and method for performing complex data model analysis for a fee as taught by Beckert would have benefited from enabling users to generate an initial and one or more revised cost quotes for the data modeling/analysis services in view of the teachings of Cooperstone et al.; the resultant system/method enabling users to add, delete or otherwise modify cost quotes and subsequently receive updated cost quotes that reflect the user changes/modifications (Cooperstone et al.: Paragraph 0027-0028).

5.   Claims 9-13, 19-23, 31-35, 43-47 and 58-62 are rejected under 35 U.S.C. 103(a)

as being unpatentable over Beckert, Beverly, Engineering Analysis at your service

(2001) in view of Cooperstone et al., U.S. Patent Publication No. 2002/0022982 as

applied to claims 1-8, 14-18, 24-30, 36-42 and 48-57 above, and further in view of

MCNC's modeling systems and methods as evidenced by at least the following:

        I. NCSC.Org Environmental Programs Web Pages (December 19998), herein

after reference A;

        II. MCNC's North Carolina Supercomputer Center Publicly Releases

Environmental Decision Support System (February 1998), herein after reference B;

        III. Karimi et al., An Environmental Decision Support System for Using High-

Performance Computing and Communication Technologies (1995), herein after

reference C.

        Regarding Claims 9, 19, 31, 43 and 58 neither Beckert nor Cooperstone et al.

teach prompting the user to select input data for a complex environmental model

wherein the data comprises at least one of a date span, grid, area source, point source,

biogenics source, mobile source, merge all, meteorology or maximum number of

emissions layers for the meteorology as claimed.

        MCNC teaches a system and method for providing a cost quote for performing

remote complex model data analysis comprising prompting the user to select input data

for a complex environmental model wherein the data comprises at least one of a date

span, grid, area source, point source, biogenics source, mobile source, merge all, meteorology or maximum number of emissions layers for the meteorology (reference A: Chapters 5-7, Page 6; Page 17; Page 36) in an analogous art of complex data analysis for the purposes of assisting public and private-sector research scientist and policy planners in making informed environmental decisions based on the analysis of complex environmental models (reference B: Paragraph 2).

More generally MCNC teaches several services and products (methods and systems) for assisting users in complex environmental modeling wherein the systems/products are executed on high-performance computing, communications and information systems (e.g. supercomputers; reference A: Last Paragraph, Page 10; Paragraph 1, Page 13; reference B: Paragraphs 2 and 5, Page 1; reference C: Column 1, Paragraph 2; HPCC Requirements of EDSS, Pages 2-3).

It would have been obvious to one skilled in the art at the time of the invention that the system and method for providing a cost quote for outsourced complex data analysis as taught by the combination of Beckert and Cooperstone et al. would have been applicable for generating cost quotes for a plurality of outsourced services including but not limited to the analysis/modeling of complex environmental data in view of the teachings of MCNC; the resultant system and method assisting public and private-sector research scientist and policy planners in making informed environmental decisions based on the analysis of complex environmental models (reference B: Paragraph 2).

Further it would have been obvious to one skilled in the art at the time of the

invention to provide the complex data modeling and analysis systems and method as

taught by MCNC using the services-based business model (i.e. offer the complex data

analysis/modeling as a for-fee service by an Application Service Provider) in view of the

teachings of Beckert (Column 1, Paragraph 2, Page 32) the resultant system and

method providing a plurality of well known and expected benefits including access to

resources (hardware, software, etc.) typically out of reach/unavailable to most business

due to cost, scale, expertise or other obstacles (e.g. large computer farms,

supercomputers, costly software/hardware, etc.), the ability to quickly "ramping up" on

an analysis job or quick turn-around on a project as well trying products/services before

buying them (Beckert: Column 1, Paragraph 2, Page 32; Column 1, Last Paragraph,

Page 33; Column 2, Last Two Paragraphs, Page 33; Column 3, Paragraphs 1-2, Page

33).

Further it is noted that while neither Beckert nor Cooperstone et al expressly

teach the specific models/data recited in claims 9, 19, 31, 43 and 58 these differences

are only found in the non-functional descriptive material and are not functionally

involved in the steps recited nor do they alter the recited structural elements. The

recited method steps would be performed the same regardless of the specific

data/models used for the data analysis. Further, the structural elements remain the

same regardless of the specific data. Thus, this descriptive material will not distinguish

the claimed invention from the prior art in terms of patentability, *see In re Gulack, 703*

F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); In re Lowry, 32 F.3d 1579, 32

USPQ2d 1031 (Fed. Cir. 1994); MPEP 2106.

Regarding Claims 10-13, 20-23, 32-35, 44-47 and 59-62 neither Beckert nor

Cooperstone et al. expressly teach that the data analysis comprises the analysis of a

complex model comprising modeling type, a particular model within a modeling type and

a specification of the modeling type or further wherein the model types include the

specific models listed.

MCNC teaches a system and method for complex model analysis wherein the

modeling type further comprises:

- at least one of a global (Global Balance Environment, GLOBE) or

regional/urban modeling type (Sparse Matrix Operator Kernel Emissions, SMOKE;

reference A: Last Paragraph, Page 3; Pages 5-6; Paragraph 2, Page 12; reference B:

Paragraph 3);

- the user providing an analysis parameter for a (complex) environmental model

the analysis parameter comprising at least one of a modeling type, a particular model

within a modeling type and a specification of the modeling type;

wherein the modeling type further comprises at least one of a global)Global Balance

Environment, GLOBE) or regional/urban modeling type (Sparse Matrix Operator Kernel

Emissions, SMOKE; reference A: Last Paragraph, Page 3; Pages 5-6; Paragraph 2,

Page 12; reference B: Paragraph 3); and

- wherein the SMOKE modeling type further comprises at least one of a Community Multiscale Air Quaility Model, Urban Airshed Model – Variable Grid, Comprehensive Air Quality Model with extensions, Multiscale Air Quality Simulation Platform, Regulatory Modeling System for Aerosols and Depositions, Urban Airshed Model – Aerosol or Urban Airshed Model Version 4 reference A: Last Paragraph, Page 3; Pages 5-6; Paragraph 2, Page 12; reference C: Air Quality Models, Pages 1-2)

in an analogous art of data analysis for the purposes of assisting public and private-sector research scientist and policy planners in making informed environmental decisions based on the analysis of complex environmental models (reference B: Paragraph 2).

It would have been obvious to one skilled in the art at the time of the invention that the system and method for providing a cost quote for outsourced complex data analysis as taught by the combination of Beckert and Cooperstone et al. would have been applicable for generating cost quotes for a plurality of outsourced services including but not limited to the analysis/modeling of complex environmental data in view of the teachings of MCNC; the resultant system and method assisting public and private-sector research scientist and policy planners in making informed environmental decisions based on the analysis of complex environmental models (reference B: Paragraph 2).

Further it is noted that while neither Beckert nor Cooperstone et al expressly teach the specific models/data recited in claims 10-13, 20-23, 32-35, 44-47 and 59-62 these differences are only found in the non-functional descriptive material and are not functionally involved in the steps recited nor do they alter the recited structural elements. The recited method steps would be performed the same regardless of the specific data/models used for the data analysis. Further, the structural elements remain the same regardless of the specific data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); In re Lowry, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); MPEP 2106.*

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Geller et al., U.S. Patent no. 5,844,554, teach a system and method for generating a cost quote for complex products and/or services. Geller et al. further teaches that generating a cost quote based on information received from the customer is old and very well known.

- Engler et al., U.S. Patent No. 6,633,851, teach a system and method for performing complex model data analysis wherein users having accounts can remotely access a plurality of data analysis reports/results.

- Cansler et al., U.S. Patent No. 6,725,257, teach a system and method for providing a cost quote for a complex product and/or service over a computer network.

- Eryurek et al., U.S. Patent No. 6,795,798, teach a system and method for performing remote complex data analysis wherein the data and results are utilized (stored, saved, extracted) from one or more databases.

- McMahon et al. U.S. Patent Publication No. 2001/0034726, teach an online system and method for providing a cost quote for complex products and/or services.

- Scott et al., U.S. Patent Publication no. 2002/0198818, teach a system and method for generating a cost quote (i.e. automatically responding to a request for quote) for a plurality of products and/or services wherein the cost quote (price, RFQ response, etc.) is based on input data provided by a user having an account.

- MCNC and Microcosm Technologies, Inc., Announces Strategic Partnership (1997), teaches a publicly available system and method for performing complex data model analysis remotely wherein businesses rent/lease the system/method for blocks of time.

- MCNC and Balrae Associates Announce Strategic Alliance (1997) teaches an Internet-based system and method for providing software applications via an services-based business model (Internet-computing, Application Service Provider).

- MCNC's North Carolina Supercomputing Center to Develop New Air Quality Model (1998) teaches a publicly available system and method for performing complex model data analysis of environmental models/data.

- Framing the IT Services Industry (2000) teaches the well known and wide spread utilization of Application Service Providers wherein ASPs are defined as third-party service firms which deploy, manage and remotely host software applications through centrally-located servers in a rental or lease agreement. The article further teaches a plurality of well-known applications provided by ASPs including but not limited to data analytics as well as a plurality of well known advantages for utilizing ASPs.

- Whitecross Systems Selects Business Objects as E-business Intelligence Partner for Comprehensive Analytical eCRM Solution (2000) teaches a system and method for providing outsourced and remote complex data analysis utilizing a services-based business model/approach.

- Gnagni, Steven, Analyze this (2001) teaches a plurality of systems and methods for outsourced data analysis via a services-based business model.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott L. Jarrett whose telephone number is (571) 272-7033. The examiner can normally be reached on Monday-Friday, 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hafiz Tariq can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SJ
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